

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

As representative of

THE COMMONWEALTH OF PUERTO
RICO

Debtor¹.

BANKRUPTCY NO.: 17-03283 (LTS)

PROMESA

Title III

**URGENT MOTION FOR EXTENSION OF TIME TO RESPOND TO ALTERNATIVE
DISPUTE RESOLUTION INFORMATION REQUEST**

TO THE HONORABLE BANKRUPTCY COURT:

COMES NOW Baxter Sales and Distribution Puerto Rico Corp. (“Baxter”) through the undersigned counsel and very respectfully states and requests as follows:

1. On March 10, 2023, Debtor filed a Thirtieth Notice of Transfer of Claims to Alternative Dispute Resolution through which Baxter’s proof of claim no. 179024 (“POC No. 179024”) was transferred into Alternative Dispute Resolution. See Docket No. 23787.

¹ The Debtors in these title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

2. On or about May 9, 2023, Baxter received a document titled Alternative Dispute Resolution Information Request (“ADR Information Request”) in which the Debtor is requesting certain information with regards to Baxter’s POC No. 179024. *See Exhibit 1.*

3. Pursuant to the ADR Information Request, the deadline for Baxter to provide the requested information is **June 2, 2023** and must be sent to Alvarez and Marsal C/O Nikki Vander Veen, 540 West Madison Street, 18th Floor, Chicago, IL 60661. It must be noted that the ADR Information Request does not provide an email nor a telephone number to contact Alvarez and Marsal. Instead, the ADR Information Request includes Kroll’s contact information.

4. Baxter hereby informs that it is currently working on gathering all the required information and documentation requested by the Debtor. However, several of the invoices referenced in POC No. 179024 have been paid and Baxter is currently reconciliating said payments in order to provide Debtor with an updated balance of the amounts claimed, in addition to other responsive documents.

5. In order to complete this accounting process, the undersigned contacted Kroll’s telephone number included in the ADR Information Request in order to request an extension of time. However, the representative at Kroll informed the undersigned that Baxter needed to contact Alvarez and Marsal directly to make such request. On May 31, 2023, the undersigned sent an email to the following email address jhertzberg@alvarezandmasal.com to explain the above and requested an extension to submit the information. Hereby attached **Exhibit 2** is copy of the email sent on May 31, 2023.

6. On this date, the undersigned were able to contact Ms. Nikki Vander Veen at Alvarez and Marsal, who advised that they did not handle extension requests and that such request should be addressed to the “claims agent” at the following number: 646-486-7944. Mr. Raúl

Andrade, who answered the phone provided for the “claims agent,” advised that they did not have authority to grant the extension requested.

7. In light of the foregoing, Baxter is forced to seek an extension directly from this Court. Baxter very respectfully requests from this Honorable Court to allow Baxter an extension of twenty-one (21) days, or until June 23, 2023, to submit the information requested in the ADR Information Request attached as **Exhibit 1**.

**CERTIFICATION IN COMPLIANCE WITH CASE MANAGEMENT
PROCEDURES**

8. Pursuant to Paragraph 1.H of the Sixteenth Amended Notice, Case Management and Administrative Procedures (Docket No. 20190-1), the undersigned hereby certifies that after evaluation and analysis there is a true need for an urgent motion, it has not created the urgency through lack of due diligence, has made reasonable, good-faith communications in an effort to resolve the issues that are being brought to the Court. Please refer to paragraphs 5 and 6 of this motion.

WHEREFORE, Baxter Sales and Distribution Puerto Rico, Corp. respectfully requests that the Court take notice of the foregoing and grant an extension of twenty-one (21) days, or until June 23, 2023 to submit the information requested in the ADR Information Request.²

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of June 2023.

² Hereby attached as Exhibit 3 is a proposed order granting the relief requested herein.

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record. I also hereby certify that the foregoing was served pursuant to the Sixteenth Amended Notice, Case Management and Administrative Procedures Order (Docket No. 20190). A copy of this motion has also been served by mail to Alvarez and Marsal, c/o Nikki Vander Veen, to the following address 540 West Madison St., 18th Floor, Chicago, IL 60661 and to the “claims administrator” to the following address: puertoricoinfo@ra.kroll.com.

ANTONETTI MONTALVO & RAMIREZ COLL
P.O. Box 13128
San Juan, PR 00908
Tel: (787) 977-0303
Fax: (787) 977-0323

s/ José L. Ramírez-Coll
JOSÉ L. RAMÍREZ-COLL
USDC-PR No. 221702
jramirez@amrclaw.com

s/ Carolina V. Cabrera Bou
CAROLINA V. CABRERA BOU
USDC-PR No. 305710
ccabrera@amrclaw.com